IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 8643 of 2007(D)

PETITIONER:

MOHAMMED SHAMEEM K.,
AYSHA MANZIL, SHANTHIGIRI, CHAPPARAPADAVU,
KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR,
INDIAN SYSTEMS OF MEDICINE, THIRUVANANTHAPURAM.

3. DISTRICT MEDICAL OFFICER,
INDIAN SYSTEMS OF MEDICINE, KANNUR.

BY GOVT. PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C). NO. 8643 OF 2007

Dated this the 19th day of October, 2007

J U D G M E N T

Petitioner is the dependent son of late C.P.Ahammed, who was an Attender in Government Ayurvedic Hospital, Chapparapadavu. Ahammed died in harness on 13.10.03. Petitioner submitted Ext.P3 application for appointment under the dying in harness scheme. Under Ext.P6, it was informed that the application submitted by the petitioner for appointment as LD Clerk in Various Departments could not be considered since the existing rules not permit the dependent of the deceased Govt. employee to b preferred for employment in any Department other than the parent Department of the deceased person. It is further mentioned therein that the petitioner's application will be considered based on the seniority assigned in the General Administrative Department.

2. Petitioner essentially seeks a direction to the 1st respondent to accord sanction for his appointment as LD Clerk in the Department of Indian Systems of Medicine. In the counter affidavit filed on behalf of the respondents, it is contended that no vacancy of

LD Clerk is available for appointment of the petitioner under the compassionate employment scheme in the Ayurvedic Department (parent department) and that the details of petitioner's application has been forwarded to the General Administrative Department (CE cell) in the Government Secretariat for assignment of vacancies. Appointment will be given to the petitioner as and when a vacancy of LD Clerk is assigned/reported either by the General Administrative Department or the Director of Indian Systems of Medicine on the basis of seniority of the applicant. This submission is recorded.

3. In my view, since the submission made by the respondents that the petitioner will be appointed as and when vacancy arises is recorded, petitioner's grievance should be treated as redressed on that ground. Petitioner also has a grievance that since there will be delay in his appointment for being considered for LD Clerk, he has sought for appointment as Peon. In Para.5 of the counter affidavit, it is stated that action is being taken on the application filed by the petitioner seeking category change to Peon.

The writ petition is therefore disposed of directing the petitioner to file a representation before the 1st respondent along with a copy of the judgment detailing his claim for being considered for

appointment as Peon in the Department of Indian Systems of Medicine , within a period of one month from the date of receipt of a copy of this judgment. If such representation is filed, the same shall be considered after hearing the petitioner and appropriate orders thereon shall be passed within two months thereafter.

V.GIRI, JUDGE

vps